

**COLUMBUS PLAN COMMISSION
OCTOBER 2,2002 AT 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap president, John Hatter, Shirley Todd, Jack Heaton, Patricia Zeigler, Steve Ruble, Mike Thomasson, Page Gifford and Craig Hawes.

Members Absent: Dave Bonnell and Gary Nienaber.

Staff Present: Roger Hunt, Planning Director, Laura Thayer, Heather Pope, Tiffany Strait, Thom Weintraut; Alan Whitted, Deputy City Attorney; and Tom Finke, County Plan Commission Liaison

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Motion: Ms. Zeigler made a motion to approve the September 4, 2002 minutes. Ms. Todd seconded the motion and it passed unanimously.

NEW BUSINESS

SU-02-08: Lakeview Church of Christ - a request by Lakeview Church of Christ to modify their Special use site plan for property located on the southwest corner of CR 150 W and Lowell Road, specifically 4040 N 150 W, Columbus, IN.

John Baughn represented the petitioners.

Mr. Baughn stated that this is a much more complex issue than they had previously thought. He said they are requesting to withdraw the request without prejudice, so they can work out the details and return to the commission at a later date.

Mr. Hunt stated this was an appropriate request.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Hawes made a motion to allow the petitioner to withdraw this request without prejudice. Mr. Heaton seconded the motion and it carried with a vote of 8-0.

OLD BUSINESS

PUD-02-07: LITTLE CREEK PLANNED UNIT DEVELOPMENT (REVISED)- A petition by Robert Monroe to rezone approximately 5.2 acres, located at 4420 Jonathan Moore Pike, from PUD

(Planned Unit Development) to PUD (Planned Unit Development with revised development Plan), to allow for development under B-4 (Highway Business) uses and standards, along with parking, landscaping and other associated infrastructure.

Mr. Hunt presented the background case on this request as follow;

The planning staff is continuing to review this request. Most of the legal questions that triggered the continuance in September seem to have been resolved; however, one key issue still needs discussion among attorneys and staff – namely, whether or not Area A should be excluded from the PUD rezoning, and what legal effects and implications result from inclusion vs. exclusion.

For the above reasons, staff recommends that the Plan Commission vote to continue the petitioned Little Creek PUD rezoning until the next scheduled Plan Commission meeting in November 2002.

Mr. Whitted stated that there has been much discussion between all parties involved and they have been working on a solution to resolve the matter in a timely fashion. He said that he would be able to report to the Plan Commission at the November 2002 meeting.

There was no one present to represent the petitioner.

Motion: Ms. Zeigler made a motion to continue this request till the November 2002 meeting. Mr. Hawes seconded the motion and it carried with a vote of 8-0.

MP-02-11, REPLAT OF LOT 25 ROST'S SECOND ADDITON, By Tom North, is a proposal to create 2 lots totaling 0.71 acres. The property is located on the east side of Sycamore Drive, directly east of the intersection of Sycamore Drive with Volland Drive in Columbus Township.

Mr. DeLap read into the record a letter from Thomas A. North requesting a continuance regarding his request until the November 2002 meeting. He stated he had a prior commitment and could not attend this meeting.

Motion: Mr. Thomasson made a motion to continue this request to the November 2002 meeting. Mr. Heaton seconded the motion and it carried with a vote of 9-0.

NEW BUSINESS

MP-02-17, LINDEN PARK MINOR SUBDIVISION, By Linden Hotel Corporation, is a proposal to create 8 lots totaling 18.2 acres. The property is located on the south side of SR 46 West, 200 feet west of Brex Park Drive in Columbus Township.

Mr. DeLap recused himself from this request due to a conflict of interest.

Mr. Gifford was the acting chairperson.

Ms. Strait presented the background information on this request as follows:

This property has been reconfigured several times. Currently, it is being subdivided to coordinate with the new Columbus Crossings, which lies adjacent to the south. For reference, the Ramada Inn is on Lot 1 and Burger King lies north of Lot 8. The lake that lies within the boundaries of Lot 6 is currently being filled.

There are several issues that require additional review by the Plan Commission. Many of the comments for this subdivision are related to technical issues of the plat. However, there are five issues

that need additional clarification. They are 1) Separation Distance; 2) INDOT permits; 3) 30' "inter-access" easements; 4) Lot configuration and 5) Inadequate access to Lot 8.

The first issue has to do with separation distance between the drive on Lot 3 and Ramada Drive, as well as the drive on Lot 3 and the 35' Right of Way that lies to the west. The Columbus Subdivision Control Ordinance requires a separation distance between drives or intersections on arterials to be a minimum of 600 feet. Anything less would require a modification from the Plan Commission, or a change in design.

The next issue involves requiring INDOT permits for the cut in Lot 3 and for the use of the 35' state right of way. It is important to have the state's permission to add additional uses onto accesses such as these.

The third issue involves the 30' access easement that will be used for access between lots. This access is situated between lots 7 and 1, 2, 3 and 4. Staff has been told that it will be used as "inter-access" between those lots. The Columbus Subdivision Control Ordinance requires that all access easements are to be a minimum width of 50'. Any deviation from the 50' provision will require a modification granted by the Columbus Plan Commission.

The fourth issue has to do with lot configuration. Most of the lots have acceptable configurations. Lot 2 appears to be somewhat irregular in shape, with the back portion of the lot extending back into a point. Staff has not seen a site plan for this lot and has not been informed on what is intended for the lot. So, with that in mind and with the fact that the "inter-access" easement runs along the rear of this lot, it may not be problematic in its proposed configuration or with regards to future subdivision.

The final issue, and probably the most important, is the inadequate access to Lot 8. By law, all parcels must have legal access. Legal access to a parcel must be, by ordinance, at least 50' of frontage on a public street or private place. The petitioner is proposing a 35' Right-of-Way for access from SR 46 West to Lot 8. The 35' right of way currently serves the Burger King. Initially, Lot 8 was part of the original Menards proposal (Lot 7). At that point, it would've gained access from Merchant Mile. The revised Menards proposal shows Lot 7 broken into 2 lots with no access available to the northern lot. Now, this northern portion (Linden Park-Lot 8) is being platted with this subdivision with inadequate access. One recommendation might be to once again gain access from Merchant mile via a 50' access easement.

Provided that all staff comments are adequately addressed, and that any and all access issues are thoroughly covered, the appropriate INDOT permits are obtained and any necessary modifications are granted, staff has no objection to this subdivision.

Mr. Thomasson asked if they would be filling the pond in.. Ms. Strait stated they would be doing that immediately.

Much discussion was held regarding the size of the easements on the plat..

Mr. Ruble said he did not see any problem with the 35 ft modification as long as the 50 ft access easement is platted from on Merchant's Mile to the subject property.

Ms. Todd expressed concern about the circulation patterns of the traffic and not being able to access the south side restaurants while going west on SR 46.

Mr. Hawes stated that there should be some breaks in traffic for turning because of the traffic lights that were being installed.

Mr. Gifford read a letter from Tom O'Neil of Menard's stating that they had come to a mutual understanding with Linden Hotel Corp., that the proposed Linden Park Place shall be extended in a southerly direction across the adjoining Menard, Inc., property, now more commonly known as Columbus Crossing. Linden Park Place shall be extended to a point intersecting with the yet to be constructed Merchants Mile. The area reserved for Linden Park Place is 50' in width, and will be reflected on the Columbus Crossings Final Subdivision Plat.

E.R. Gray of E.R. Gray and Associates and Jeff Marshall represented the petitioners. Mr. Dick Johnson was also present.

Mr. Marshall stated that they do have some development issues with the plat. In order to accommodate the present Ramada Inn some of the lots seem to be a little irregular. He stated Lot 2 would be a great site for a bank. Access from all the lots is available from SR 46. Lot 8 will have primary access from the 50 ft access that Mr. O'Neil refers to in his letter from Menard's.

The 35 ft access that exists for Burger King is a state right of way. It was purchased when Interstate 65 was built. To exit from there you can only make a right turn out and a right turn in.

The internal 30 foot easement was discussed with staff and the requirement was to provide traffic movement between lots on this site. Since all lots will have access except Lot 8 from a street that was a secondary access. Mr. Marshall said it could be removed from the plat completely.

Mr. Marshall said they did delete one of the accesses from SR 46 onto Lot 4. He stated that permits would be obtained from the state highway to develop that existing access.

Mr. Marshall stated that they would agree to put a statement on Lot 6 that drainage issues would have to be addressed before it would become a buildable lot.

Mr. Gray stated he wanted it to be clear that the 35 foot right of way on the west side of Lot 1 and on the east side of Burger King is public right of way. It was obtained by the state and was made 35 foot at that time.

Mr. Gray said that they had come to an agreement with the utilities.

Mr. Hunt stated that one unresolved issue was the name of the road. He said the decision does not have to be a permanent one. He stated they were in the process of looking at names in the Menards area and it would be appropriate to discuss the Ramada Street renaming with the committee and principal parties involved at a later date, but that for now the final plat should provide a name for the new street.

Mr. Marshall stated the 35 foot access easement width could be accommodated on the plat.

Mr. Gifford opened the meeting to the public.

Dave Zellner spoke in regards to traffic flow becoming congested in the area.

Mr. Hunt stated that had been addressed in the traffic study that was done by Menards.

Mr. Gifford closed the meeting to the public.

Ms. Zeigler asked if Lot 3 had a back access into the lot. Mr. Marshall stated that it does.

Motion: Mr. Hawes made a motion to approve with staff comments and modifications. Mr. Thomasson seconded the motion and it carried with a vote of 8-0. Mr. DeLap abstained from voting.

Mr. DeLap resumed the chair.

SP-02-03: FAIROAKS MALL SIGN DEVELOPMENT PLAN – A petition by FairOaks Mall on behalf of Columbus Mall Assoc. Ltd. Partnership to approve a Sign Development Plan for the FairOaks Mall property, located at 2380 25th Street in the City of Columbus. The Plan would allow changes in freestanding signs to accommodate anchor tenant needs, would allow exterior façade signage for non-adjacent interior mall tenants, and would confirm existing and proposed new signage already in conformity with Chapter 46 (Signs) of the Columbus Zoning Ordinance.

Ms. Pope presented the information on the request as follows:

A representative of the Mall inquired about placing a wall sign on the south wall of the mall to advertise a store (Goody's) on the north side of the mall. Staff informed her that the sign is not permitted, because the location proposed is not associated with the occupants' business. Then the same representative requested placing the four anchor tenants beneath the existing freestanding sign on National Road. Because the ordinance only allows for a minimum of three tenants, staff also informed her that the sign is not permitted because this proposal would be in violation of Section 17.46.040 A. 2. of the Columbus Zoning Ordinance. The request for the tenant sign was heard in front of the Columbus Board of Zoning Appeals on August 27, 2002, and was denied.

In June of 1989 the petitioners had requested a similar variance from the Board of Zoning Appeals to allow the placement of 350 square feet of signage, which consisted of the FairOaks Mall primary sign and three tenants signs. On June 27, 1989, the Board of Zoning Appeals approved a request to allow FairOaks Mall to place a maximum 256 square foot, 40 ft. tall, primary sign, but denied the request for placement of the tenant signs. However, the actual primary sign is 215 square feet and 40 ft.

According to the petitioner, due to the re-routing of SR 46, the main regional thoroughfare by FairOaks Mall is now on the north side of the mall, which is not road frontage. The original approved signage took into consideration that all major tenants could be seen from the regional thoroughfare. Because the shopping center is so large, it is impossible to see signage throughout the property.

Staff would like to note that fourteen (14) existing wall signs meet the requirements of the zoning ordinance. The proposal for "Goody's" on the south wall does not meet the current zoning ordinance because the location proposed is not associated with the occupants business. Allowing this has the potential to encourage other business to request similar wall signs on walls that are not associated with the business thus encouraging proliferation and clutter. Allowing this is in violation of the Statement of Purpose of Chapter 17.46, Signs.

Staff also believes allow the additional tenant sign could be consider a direct conflict of the sign ordinance, because it encourages proliferation and clutter. However, with the re-routing of SR 46, 25th Street is no longer considered a State Highway and therefore might not carry the same out-of-town tourist that National Road can provide.

Staff would recommend the fourteen (14) existing wall signs be approved. Staff would recommend denial of the "Goody's" sign proposal on 25th Street. If the additional tenant signs for the freestanding National Road sign as proposed are approved, staff would recommend the commission consider the following:

If the mall grows and another anchor store is developed, no more tenant signs can be placed on the National Road freestanding sign. Limiting this will try and help keep the integrity of the sign ordinance and its intent is to not clutter the roadways further.

Mr. Thomasson said that the proposed sign appealed to him.

Much discussion was held regarding this request to allow these signs.

Mr. Weintraut explained the reason that BZA denied the request for these signs was they exceeded the square footage allowed by the ordinance by a substantial amount.

Kim Eckrote represented the petitioners as general manager of FairOaks Mall.

Ms. Eckrote stated that the mall had been located there for twelve years. It has had significant growth and the mall feels they have been a major player to enhance the quality of life in this area.

She said as they look to the future they need help in securing the mall. The four major retailers are Elder-Beerman, J.C. Penney's, K-Mart and Goody's Family Clothing. She stated that the signage should be the best possible for their tenants. The existing sign on National Road did serve its purpose. It no longer does. Since the rerouting of SR 46, the major through fare is now National Road. She stated it was important that the four major retailers have exposure on this side of the mall. She stated the visibility of Goody's at the mall was important to their success.

Ms. Eckrote stated they are requesting two items. She said one was to put the four anchor stores on the large freestanding sign and the other was to put a Goody's sign on the 25th Street side of the mall just west of the Kmart entrance. It would be located between Penney's and Kmart.

Ms. Zeigler stated she did not realize the sign was there because of its natural color and the trees that have grown at the site. She said if you stop at the light to make a turn the sign is visible from that site. Ms. Zeigler said this was an appropriate sign for the mall. She also stated that if people did drive by the mall on 25th Street and did not see Goody's sign they would not be aware that the store was located there.

Mr. Gifford said he thought everyone in community wanted to see FairOaks succeed to attract anchor stores that will stay with the mall.

Much discussion was held regarding the placement of the Goody's sign.

Mr. DeLap asked if they would consider a pylon sign on 25th Street for the Goody's sign.

Ms. Eckrote said that she would present this information to the people at the mall and see what their response would be.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Thomasson made a motion to approve this request to allow the pylon sign as proposed, that the Goody's sign be denied on the building as per proposed but without prejudice in any fashion so they may return to the board to proposed something else or similar options so that a Goody's presence may be placed on the south side of the building, and also to allow the existing 14 signs on the building. Ms. Zeigler seconded the motion and it carried with a vote of 9-0.

Mr. Thomasson left the meeting at this time.

MP-02-16, METZLOFF MINOR SUBDIVISION, By Kirt & Yvonne Metzloff, is a proposal to create 1 lot totaling 16.7 acres, leaving an agricultural remainder of 13.5 acres. The property is located on the east side of CR 250 East, ¼ mile south of CR 200 South in Columbus Township.

Ms. Strait presented the background information on this request as follows;

From the parent tract, this is the second lot to be platted (The first lot was platted by the Hoeltke Homestead Administrative Subdivision). 13.5 acres is being left in the parent tract remainder, which exceeds the 10-acre requirement. No further lots may be subdivided from Lot 1 or the parent tract remainder without a variance or rezoning.

Most issues in this subdivision are technical in nature. However, a modification from the Columbus Subdivision Control Ordinance is required in order to approve this subdivision. The petitioner is requesting relief from the sidewalk requirement. The property is located in the 2-mile jurisdiction, where sidewalks are scarce. This is a typical request and, in general, has been approved in the past.

Staff has no objection to this subdivision, provided that all staff comments are adequately addressed and that the modification for the sidewalk requirement is granted.

Ted Darnell with Crowder & Darnell Surveying and Kurt Metzloff represented the petitioners.

Mr. Darnell stated that he did not have anything to add to staff comments. He stated they were in agreement with all of the requests.

Mr. Gifford asked why this was being requested.

Mr. Darnell stated that because of the sidewalk modification they had to appear before the Commission.

Mr. DeLap opened the meeting to the public.

Mr. Henry Whipker expressed concerns about the water run off on his property.

Mr. Darnell stated the proposal was to create one building lot for one residence.

Mr. DeLap closed the meeting to the public.

Mr. Hunt displayed a map showing the field tile and drainage in the area.

Much discussion was held regarding this matter.

Mr. DeLap reopened the public meeting.

Mr. William Steiner stated that he owned the property on the west side of this property. He said the problem is the position of the legal drain that goes through the area. The ditch is in the middle of the field so therefore the water stands and does not drain properly.

Mr. DeLap asked Mr. Gray to explain the legal drain and how it would be addressed in a situation such as this.

Mr. Gray stated that the tile there at the present is not adequate to handle the drainage. The drainage board does not have any authority, as this is not a legal drain, so therefore the

maintenance and use does not fall under their jurisdiction. He suggested that the property owners meet with the drainage board to address this issue.

Mr. DeLap closed the public hearing.

Motion: Ms. Zeigler made a motion to approve this request with staff comments and modification from sidewalks. Mr. Heaton seconded the motion and it carried with a vote of 8-0.

DISCUSSION ITEMS

Central Indiana Contracting initiate rezoning from AG to B-5.

Ms. Pope presented the background information on this request.

In March 1999 John and Sharon Brubaker rezoned the above-mentioned property from S-1 (Suburban Residential District) to I-1 (Light Industrial District). After the city's extraterritorial jurisdiction expanded in June 1999 to encompass this area and beyond, the property was zoned AG (Agriculture). AG zoning was imposed because it was necessary to have some type of city zoning for all the newly acquired area, and quickness was essential, since it is bad public policy to have unzoned territory in a locality that has a zoning ordinance. Hence, an ordinance zoning the properties in question to AG was adopted in August 1999.

For most of the newly acquired city-jurisdiction properties, AG zoning was appropriate and reflected existing land use. This mismatch of zoning has become a more pressing issue in the past month. Central Indiana Contracting, owned by John and Sharon Brubaker, are wanting to expand their operation to include the placement of above ground storage tanks for all-road and on-road fuels.

Ordinarily, it is up to the property owners to initiate any rezoning. However, in this case the staff believes it is fair for the city to initiate the rezoning. This is a case in which the property owners are faced with a possible substantial loss through no fault of their own.

The Bartholomew County's I-1 District (Light Industrial); however, is misleading, because I-1 in fact allows the entire range of Industrial uses, and even allows most commercial uses as well. Realistically, the properties at this location would fit into the city's B-5 (General Business District), so that is probably the appropriate designation.

For these reasons, staff recommends the Plan Commission initiate rezoning for the property located at 1610 W 550 N, Columbus, IN from AG (Agriculture) to B-5 (General Business).

Motion: Mr. Gifford made a motion to initiate rezoning from AG (Agriculture) to B-5 (General Business). Mr. Hawes seconded the motion and it carried unanimously.

REPORTS & RECOMMENDATIONS

DIRECTOR'S REPORT

Mr. Hunt stated that there was Plan Commission training scheduled for October 8, 2002 at the Visitors Center from 8:00 a.m. to 9:30 a.m. for members.

Mr. Hunt reported that the lighting ordinance is in the final stages of being completed and a new draft is being prepared.

Mr. Hunt stated the thoroughfare plan is in draft form and Dave Hayward is putting the final revisions together. Mr. Hunt suggested that a couple of public meetings be held to review this plan and get the public input on the proposal. Mr. Hunt stated that his suggestion would be to bring

back the plan for consideration to this Board after the public meetings and then send the plan to City Council for their approval.

Mr. Hunt stated that the next step would be a Drainage Ordinance for City and County.

ADJOURNMENT: 6:00 P.M.